

## Aged Care Rules consultation – topics by release

### **Release 1 – published on 26 September 2024, consultation closed 31 October 2024.**

- The service list outlines the care and services that will be available to older people under the new laws.
- A public summary of the feedback received is available on our [Engagement Hub](#).

#### **Rules that partially exist now in aged care**

##### Aged care service list (section 8)

- Care and services that will be available to people under the new Aged Care Act.

### **Release 2 – [Release 2A](#) published on 6 November 2024, consultation closed 6 December 2024. Release 2B to be published late January 2025, consultation to be open for four weeks.**

- This release focusses on the funding arrangements for the aged care programs covered by Chapter 4 of the new laws, including the ‘no worse off’ principle for residential care and Support at Home.

#### **Rules that exist now in aged care**

##### Accommodation – multi-purpose services (section 288)

- Requirements for MPS service providers when charging accommodation payments.

##### Contributions – specialist aged care programs (Div 3, Part 3, Ch 4)

- Requirements for providers when charging contributions to individuals.

##### Subsidies – multi-purpose services and transition care (Div 5, Part 2, Ch 4)

- Requirements for agreements between the Commonwealth and entities delivering funded aged care services through the multi-purpose services or transition care programs
- The calculation for subsidies for these programs.

#### **Rules that mostly exist now in aged care**

##### Accommodation – mainstream residential care

- Requirements for providers when charging accommodation payments or accommodation bonds. Includes new Daily Accommodation Payment (DAP) indexation and refundable accommodation deposit (RAD) retention.

##### Contributions – Residential care (Div 2, Part 3, Ch 4)

- Details for fees and contributions for residential care, including means tested care fee, income tested care fee, higher everyday living fee, basic daily fee for protected care recipients.

##### Means testing – Residential care (Div 2, Part 5, Ch 4)

- Details for means testing for residential care, including means tested care fee, income tested care fee.

<p>Subsidies – Residential care (Div 2, Part 2, Ch 4)</p> <ul style="list-style-type: none"> <li>• Subsidies and supplements for residential care, including hardship eligibility under the fee reduction supplement.</li> </ul>
<p><b>Rules that partially exist now in aged care</b></p>
<p>Subsidies – Claims and payments (Div 6, Part 2, Ch 4)</p> <ul style="list-style-type: none"> <li>• Details for claiming for Support at Home, including the assistive technology and home modifications scheme.</li> </ul>
<p><b>Rules that will be new to aged care</b></p>
<p>Contributions – Support at Home (Div 1, Part 3, Ch 4)</p> <ul style="list-style-type: none"> <li>• Funding arrangements for the new Support at Home, specifically individual contributions. Individuals’ contributions to funded aged care services delivered in a home or community setting will be based on a combination of the individual’s income and the kind of service delivered to them.</li> </ul>
<p>Means testing – Support at Home (Div 1, Part 5, Ch 4)</p> <ul style="list-style-type: none"> <li>• Funding arrangements for the new Support at Home, specifically means testing arrangements to determine what an individual’s contributions will be.</li> </ul>
<p>Subsidies – Support at Home (Div 1 to 3, Part 2, Ch 4)</p> <ul style="list-style-type: none"> <li>• Funding arrangements for the new Support at Home and AT-HM Scheme, specifically subsidies payable to an individual’s registered provider.</li> </ul>
<p>Grants – Grantee Code of Conduct (section 268)</p> <ul style="list-style-type: none"> <li>• Sets out the new Grantee Code of Conduct that recipients of grants under section 265(1) (i.e. miscellaneous grants) must comply with.</li> </ul>
<p><b>Release 3 – to be published early February 2025, consultation to be open for four weeks.</b></p> <ul style="list-style-type: none"> <li>• Covers obligations of registered providers and conditions on registration of registered providers under Chapter 3 of the new laws</li> <li>• The Rules will cover a blend of existing provider obligations (e.g. code of conduct, restrictive practices, strengthened Aged Care Quality Standards) and new requirements (e.g. rights and principles), as well as reporting and recordkeeping requirements.</li> </ul>
<p><b>Rules that exist now in aged care</b></p>
<p>Aged Care Code of Conduct (section 14)</p> <ul style="list-style-type: none"> <li>• Replicates the current Aged Care Code of Conduct, which sets out expectations for aged care workers and responsible person for how they behave and treat people receiving aged care.</li> </ul>
<p>Continuous improvement (section 147)</p> <ul style="list-style-type: none"> <li>• The rules will provide that registered providers must comply with the requirement to have a continuous improvement plan.</li> </ul>

<p>Incident Management (section 164)</p> <ul style="list-style-type: none"> <li>The rules will provide further details as to the requirements of registered providers' incident management systems that they must implement and maintain, as well as how incidents must be managed and prevented.</li> </ul>
<p>Provision of information to individuals (section 155)</p> <ul style="list-style-type: none"> <li>The rules will set out the requirements relating to the sorts of information registered providers will need to give and explain to individuals accessing or seeking to access funded aged care services.</li> </ul>
<p>Restrictive practices (section 162)</p> <ul style="list-style-type: none"> <li>The rules will set out conditions for providers around the use of restrictive practices in relation to an individual to whom the provider is delivering funded aged care services.</li> </ul>
<p>Reporting and Recordkeeping requirements - Serious incident response scheme (section 154 and 166)</p> <ul style="list-style-type: none"> <li>The rules will prescribe the way in which registered providers must report on and keep records in relation to serious incidents.</li> </ul>
<p><b>Rules that mostly exist now in aged care</b></p>
<p>Advisory body requirements (section 158)</p> <ul style="list-style-type: none"> <li>The rules will set out the membership, terms and conditions, and reporting requirements for advisory bodies. The rules will also specify that advisory body requirements only apply to registered providers registered in Categories 5 and 6.</li> </ul>
<p>Aged Care Quality Standards (section 15)</p> <ul style="list-style-type: none"> <li>Establishes the strengthened Aged Care Quality Standards.</li> </ul>
<p>Compliance with Aged Care Quality Standards (section 146)</p> <ul style="list-style-type: none"> <li>The Rules will provide that providers registered in registration categories 4 to 6 (inclusive) are required to comply with some or all of the strengthened Aged Care Quality Standards.</li> </ul>
<p>Financial and Prudential Standards (section 376(1))</p> <ul style="list-style-type: none"> <li>The Prudential Standards will be made by legislative instrument by the Aged Care Quality and Safety Commissioner and will include the kinds of registered providers each Standard will apply to.</li> </ul>
<p>Membership of governing bodies (section 157)</p> <ul style="list-style-type: none"> <li>The rules will set out which providers have to comply with the membership requirements for governing bodies and exempt some types of providers from some or all of these requirements (such as cooperatives and Aboriginal and Torres Strait Islander Community Controlled Organisations, etc).</li> </ul>
<p>Reporting and Recordkeeping requirements - Miscellaneous Reporting (section 154 and 166)</p> <ul style="list-style-type: none"> <li>Sets out other information that registered providers must report on that exist in the current Act and is not covered by other topics, such as diversity.</li> </ul>

<p>Reporting and Recordkeeping requirements - Provider Complaints Reporting (section 154 and 166)</p> <ul style="list-style-type: none"> <li>Prescribes that registered providers must report on and keep records in relation to complaints and feedback received by a registered provider i.e. number of complaints and feedback, action taken and subsequent evaluation of the effectiveness of the action taken.</li> </ul>
<p>Reporting and Recordkeeping requirements - Provider Governance and Operations Reporting (section 154 and 166)</p> <ul style="list-style-type: none"> <li>The rules will set out the information to be reported by providers to the Department as part of the provider operations reporting requirements, including providing a governing body statement on compliance, as well as reporting on: governing body membership; diversity and inclusion; common kinds of feedback and complaints received by each service; and key improvements made to service quality.</li> </ul>
<p>Reporting and Recordkeeping requirements - Vaccination Reporting Requirements (section 154 and 166)</p> <ul style="list-style-type: none"> <li>Sets out vaccination reporting requirements for older people in funded residential aged care, certain flexible care services, home care services and multi-purpose services, as well as related record keeping requirements for aged care workers and older people in the new aged care system.</li> </ul>
<p><b>Rules that partially exist now in aged care</b></p>
<p>Access by supporters, representatives, independent aged care advocates etc. (section 156)</p> <ul style="list-style-type: none"> <li>Sets out further details regarding the condition of registration for registered providers to facilitate access for both an aged care volunteer visitor or an aged care independent advocate. Includes defining that ‘access’ means where the older person has requested or consented to that access, or their representative has requested or consented to that access on their behalf.</li> </ul>
<p>Complaints, feedback and whistleblowers (section 165)</p> <ul style="list-style-type: none"> <li>Sets out as a condition of registration that registered providers must have an internal complaints and feedback management system, an internal whistleblower policy as well as requirements regarding managing disclosures that quality for protection.</li> </ul>
<p>Delivery of Direct Care (section 176)</p> <ul style="list-style-type: none"> <li>Sets out as a condition of registration that registered providers in category 6 must meet in relation to care minutes.</li> </ul>
<p>Delivery of Funded Aged Care Services (section 148)</p> <ul style="list-style-type: none"> <li>Sets out as a condition of registration the requirements for registered providers to comply with in relation to the delivery of funded aged care services. Sets out as a condition of registration the requirements for registered providers of a kind to comply with in relation to the delivery of funded aged care services. This will include requirements for providers to enter into a services agreement and care and services plan with each individual when accessing funded aged care services.</li> </ul>

<p>Starting and ceasing the provision of funded aged care services and continuity of those services (section 149)</p> <ul style="list-style-type: none"><li>• Sets out as a condition of registration the requirements for all registered providers to comply with in relation to starting and ceasing the delivery of funded aged care services. This will include when an individual starts accessing funded aged care services (start notification) and when ceasing services (cessation notification).</li><li>• The Rules will also provide for requirements relating to security of tenure for individuals accessing residential care and continuity of care for all other individuals. The Rules will also set out requirements for registered providers to have in place a continuity of care plan prior to an individual ceasing to access their services.</li></ul>
<p>Reporting and Recordkeeping requirements - CHSP and NATSIFACP Reporting (section 154 and 166)</p> <ul style="list-style-type: none"><li>• Sets out relevant reporting and record keeping requirements for CHSP and NATSIFACP providers, such as expenditure of grant funds.</li></ul>
<p>Reporting and Recordkeeping requirements - Prudential and financial (section 154 and 166)</p> <ul style="list-style-type: none"><li>• Sets out relevant reporting and record keeping requirements in relation to registered providers' Financial and Prudential obligations i.e. Aged Care Financial Report &amp; Quarterly Financial Reports.</li></ul>
<b>Rules that will be mostly new to aged care</b>
<p>Rights and principles (section 144)</p> <ul style="list-style-type: none"><li>• The Rules will provide that all registered providers are required to comply with section 144, noting that the strengthened Aged Care Quality Standard 1 will apply to providers in registration categories 4 to 6.</li></ul>
<p>Workforce and aged care worker requirements (section 152(a) and 152(b))</p> <ul style="list-style-type: none"><li>• Sets out requirements on criminal history screening checks for aged care workers and responsible persons.</li></ul>
<b>Rules that will be new to aged care</b>
<p>Vaccination (section 153)</p> <ul style="list-style-type: none"><li>• Prescribes that registered providers in Category 6 must ensure access to influenza and COVID-19 vaccinations for aged care service staff and people receiving residential aged care in line with appropriate clinical recommendations as outlined in the Australian Immunisation Handbook (AIH).</li></ul>

**Release 4 – to be published early March 2025, consultation open for four weeks.**

- Remaining elements of Chapter 3, including mostly new (provider registration) and new requirements (duty of operators of aged care digital platforms, meaning of aged care digital platform, and other obligations of certain operators of aged care digital platforms) in addition to Rules that currently exist in some form
- Wrapping up the remaining rules under the Bill, particularly Chapters 2, 5, 6, 7 and 8
- This includes mostly new (dealing with complaints) and new requirements (affected entity may request reconsideration of reviewable decisions, complaints functions – reporting, non-recovery of recoverable amounts, place allocation – people, registration of supporters) in addition to Rules that currently exist in some form.

**Rules that exist now in aged care**

Registered Nurses (section 175)

- The rules will make provision for, or in relation to, certain exemptions to the requirement for a registered provider to have a registered nurse on site and on duty at all times.

**Rules that mostly exist now in aged care**

Cooperation with other persons (section 177)

- The Rules will set out the obligation for all registered providers to comply with in relation to cooperating with persons including cooperating with the Independent Health and Aged Care Pricing Authority.

Responsible persons of a registered provider must notify of change of circumstances relating to suitability (section 169)

- The Rules will set out that the obligation to notify providers of changes in circumstances relating to suitability will apply to a person who is one of the responsible persons of a registered provider in categories 1-6.

Place allocation – providers (Div 2, Part 5, Ch 2)

- Rules establish when a provider can be allocated a place for the delivery of multi-purpose services program or the transition care program.

Register of banning orders (section 507)

- The rules will set out the process for accessing information and correcting the register as well as set out how the register will be published.

System Governor may publish information about funded aged care services generally (section 545)

- The rules will set out further categories of information that the System Governor may publish relating to funded aged care services delivered in a particular residential care home or home or community setting.

System Governor must publish information about funded aged care services generally (section 544)

- The rules will set out categories of information that the System Governor is required to publish, including the ways in which the information must be published and the period within which the information must be published.

<b>Rules that partially exist now in aged care</b>
<p>Change in circumstances (section 167)</p> <ul style="list-style-type: none"> <li>The rules will set out the circumstances in which a registered provider will need to notify the Commissioner and the System Governor of a change, it will also set out what must be included in a notice in each case.</li> </ul>
<p>Classification (Part 3, Ch 2)</p> <ul style="list-style-type: none"> <li>Replicates AN-ACC classification and introduces Support at Home classification.</li> </ul>
<p>System entry (Part 2, Ch 2)</p> <ul style="list-style-type: none"> <li>Creates eligibility criteria for service groups outside of the Constitutional requirements of the Bill and details reassessment and alternate entry timelines.</li> </ul>
<p>Reporting and Recordkeeping requirements - Quality Indicators (section 154 and 166)</p> <ul style="list-style-type: none"> <li>Sets out reporting and record-keeping requirements for registered providers who deliver funded residential aged care services in relation to the National Aged Care Quality Indicator Program i.e. reports on pressure injuries, restrictive practices.</li> </ul>
<b>Rules that will be mostly new to aged care</b>
<p>Provider registration (Part 2 and 3, Ch 3)</p> <ul style="list-style-type: none"> <li>Includes the detailed requirements for provider registration including registration and renewal, approval of residential care homes, varying registration, suspension and revocation and rules in relation to the Provider Register.</li> </ul>
<p>Dealing with complaints and reporting (section 361 and 372(g))</p> <ul style="list-style-type: none"> <li>The rules will set out the manner in which the Complaints Commissioner will handle complaints made to the ACQS Commission, including regular communication with complainants and registered providers, resolution and review of complaints, and how the ACQS Commissioner will report on complaints.</li> </ul>
<b>Rules that will be new to aged care</b>
<p>Duty of operators of aged care digital platforms (section 188)</p> <ul style="list-style-type: none"> <li>May prescribe further information that an aged care digital platform operator must check and display on their platform.</li> </ul>
<p>Meaning of aged care digital platform (section 187)</p> <ul style="list-style-type: none"> <li>The rules are able to further define what an aged care digital platform is.</li> </ul>
<p>Other obligations of certain operators of aged care digital platforms (section 189)</p> <ul style="list-style-type: none"> <li>Prescribes obligations for aged care digital platforms to implement complaint and incident management systems, record keeping and reporting.</li> </ul>
<p>Affected entity may request reconsideration of reviewable decision (sections 556, 557 and 558)</p> <ul style="list-style-type: none"> <li>The rules may prescribe further reviewable decisions and affected entities.</li> </ul>
<p>Nonrecovery of recoverable amounts (section 523, Div 3, Part 13, Ch 6)</p> <ul style="list-style-type: none"> <li>The Rules will prescribe the methodology through which the value of the unpaid amount is to be worked out where a settlement agreement is made between the Commonwealth and debtor in relation to a recoverable amount.</li> </ul>

Place allocation – people (Div 1, Part 5, Ch 2)

- Minister determination of number of places, plus the rules will prescribe methods and procedures for allocating places.

Prioritisation (Part 4, Ch 2)

- Prescribes further criteria for priority categories.